

**E2SHB 2617 - S AMD 428**

By Senators Haugen and Berkey

ADOPTED 3/18/2010

1 On page 138, after line 9, insert the following:

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**" Title and Registration Advisory Committee**

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6 NEW SECTION. **Sec. 149.** RCW 46.01.320 (Title and registration  
7 advisory committee) and 2005 c 319 s 115, 1996 c 315 s 2, & 1992 c 216  
8 s 3 are each repealed.

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10 **Sec. 150.** RCW 46.01.325 and 2005 c 319 s 116 are each amended to  
11 read as follows:

12 (1) The director shall prepare(~~(, with the advice of the title and~~  
13 ~~registration advisory committee,)) an annual comprehensive analysis~~  
14 and evaluation of agent and subagent fees. The director shall make  
15 recommendations for agent and subagent fee revisions (~~(approved by the~~  
16 ~~title and registration advisory committee))~~) to the senate and house  
17 transportation committees by January 1st of every third year starting  
18 with 1996. Fee revision recommendations may be made more frequently  
19 when justified by the annual analysis and evaluation(~~(, and requested~~  
20 ~~by the title and registration advisory committee))~~).

21 (2) The annual comprehensive analysis and evaluation must  
22 consider, but is not limited to:

23 (a) Unique and significant financial, legislative, or other  
24 relevant developments that may impact fees;

25 (b) Current funding for ongoing operating and maintenance  
26 automation project costs affecting revenue collection and service  
27 delivery;

1 (c) Future system requirements including an appropriate sharing of  
2 costs between the department, agents, and subagents;

3 (d) Beneficial mix of customer service delivery options based on a  
4 fee structure commensurate with quality performance standards;

5 (e) Appropriate indices projecting state and national growth in  
6 business and economic conditions prepared by the United States  
7 department of commerce, the department of revenue, and the revenue  
8 forecast council for the state of Washington.

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10 **Sec. 151.** RCW 46.01.140 and 2005 c 343 s 1 are each amended to  
11 read as follows:

12 (1) The county auditor, if appointed by the director of licensing  
13 shall carry out the provisions of this title relating to the licensing  
14 of vehicles and the issuance of vehicle license number plates under  
15 the direction and supervision of the director and may with the  
16 approval of the director appoint assistants as special deputies and  
17 recommend subagents to accept applications and collect fees for  
18 vehicle licenses and transfers and to deliver vehicle license number  
19 plates.

20 (2) A county auditor appointed by the director may request that  
21 the director appoint subagencies within the county.

22 (a) Upon authorization of the director, the auditor shall use an  
23 open competitive process including, but not limited to, a written  
24 business proposal and oral interview to determine the qualifications  
25 of all interested applicants.

26 (b) A subagent may recommend a successor who is either the  
27 subagent's sibling, spouse, or child, or a subagency employee, as long  
28 as the recommended successor participates in the open, competitive  
29 process used to select an applicant. In making successor  
30 recommendation and appointment determinations, the following  
31 provisions apply:

32 (i) If a subagency is held by a partnership or corporate entity,  
33 the nomination must be submitted on behalf of, and agreed to by, all  
34 partners or corporate officers.

1 (ii) No subagent may receive any direct or indirect compensation  
2 or remuneration from any party or entity in recognition of a successor  
3 nomination. A subagent may not receive any financial benefit from the  
4 transfer or termination of an appointment.

5 (iii) (a) and (b) of this subsection are intended to assist in the  
6 efficient transfer of appointments in order to minimize public  
7 inconvenience. They do not create a proprietary or property interest  
8 in the appointment.

9 (c) The auditor shall submit all proposals to the director, and  
10 shall recommend the appointment of one or more subagents who have  
11 applied through the open competitive process. The auditor shall  
12 include in his or her recommendation to the director, not only the  
13 name of the successor who is a relative or employee, if applicable and  
14 if otherwise qualified, but also the name of one other applicant who  
15 is qualified and was chosen through the open competitive process. The  
16 director has final appointment authority.

17 (3)(a) A county auditor who is appointed as an agent by the  
18 department shall enter into a standard contract provided by the  
19 director(~~(, developed with the advice of the title and registration~~  
20 ~~advisory committee))~~).

21 (b) A subagent appointed under subsection (2) of this section  
22 shall enter into a standard contract with the county auditor(~~(~~  
23 ~~developed with the advice of the title and registration advisory~~  
24 ~~committee))~~). The director shall provide the standard contract to  
25 county auditors.

26 (c) The contracts provided for in (a) and (b) of this subsection  
27 must contain at a minimum provisions that:

28 (i) Describe the responsibilities, and where applicable, the  
29 liability, of each party relating to the service expectations and  
30 levels, equipment to be supplied by the department, and equipment  
31 maintenance;

32 (ii) Require the specific type of insurance or bonds so that the  
33 state is protected against any loss of collected motor vehicle tax  
34 revenues or loss of equipment;

1 (iii) Specify the amount of training that will be provided by the  
2 state, the county auditor, or subagents;

3 (iv) Describe allowable costs that may be charged to vehicle  
4 licensing activities as provided for in (d) of this subsection;

5 (v) Describe the causes and procedures for termination of the  
6 contract, which may include mediation and binding arbitration.

7 (d) The department shall develop procedures that will standardize  
8 and prescribe allowable costs that may be assigned to vehicle  
9 licensing and vessel registration and title activities performed by  
10 county auditors.

11 (e) The contracts may include any provision that the director  
12 deems necessary to ensure acceptable service and the full collection  
13 of vehicle and vessel tax revenues.

14 (f) The director may waive any provisions of the contract deemed  
15 necessary in order to ensure that readily accessible service is  
16 provided to the citizens of the state.

17 (4)(a) At any time any application is made to the director, the  
18 county auditor, or other agent pursuant to any law dealing with  
19 licenses, registration, or the right to operate any vehicle or vessel  
20 upon the public highways or waters of this state, excluding applicants  
21 already paying such fee under RCW 46.16.070 or 46.16.085, the  
22 applicant shall pay to the director, county auditor, or other agent a  
23 fee of three dollars for each application in addition to any other  
24 fees required by law.

25 (b) Counties that do not cover the expenses of vehicle licensing  
26 and vessel registration and title activities may submit to the  
27 department a request for cost-coverage moneys. The request must be  
28 submitted on a form developed by the department. The department shall  
29 develop procedures to verify whether a request is reasonable. Payment  
30 shall be made on requests found to be allowable from the licensing  
31 services account.

32 (c) Applicants for certificates of ownership, including applicants  
33 paying fees under RCW 46.16.070 or 46.16.085, shall pay to the  
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1 director, county auditor, or other agent a fee of four dollars in  
2 addition to any other fees required by law.

3 (d) The fees under (a) and (c) of this subsection, if paid to the  
4 county auditor as agent of the director, or if paid to a subagent of  
5 the county auditor, shall be paid to the county treasurer in the same  
6 manner as other fees collected by the county auditor and credited to  
7 the county current expense fund. If the fee is paid to another agent  
8 of the director, the fee shall be used by the agent to defray his or  
9 her expenses in handling the application.

10 (e) Applicants required to pay the three-dollar fee established  
11 under (a) of this subsection, must pay an additional seventy-five  
12 cents, which must be collected and remitted to the state treasurer and  
13 distributed as follows:

14 (i) Fifty cents must be deposited into the department of licensing  
15 services account of the motor vehicle fund and must be used for agent  
16 and subagent support, which is to include but not be limited to the  
17 replacement of department-owned equipment in the possession of agents  
18 and subagents.

19 (ii) Twenty-five cents must be deposited into the license plate  
20 technology account created under RCW 46.16.685.

21 (5) A subagent shall collect a service fee of (a) ten dollars for  
22 changes in a certificate of ownership, with or without registration  
23 renewal, or verification of record and preparation of an affidavit of  
24 lost title other than at the time of the title application or transfer  
25 and (b) four dollars for registration renewal only, issuing a transit  
26 permit, or any other service under this section.

27 (6) If the fee is collected by the state patrol as agent for the  
28 director, the fee so collected shall be certified to the state  
29 treasurer and deposited to the credit of the state patrol highway  
30 account. If the fee is collected by the department of transportation  
31 as agent for the director, the fee shall be certified to the state  
32 treasurer and deposited to the credit of the motor vehicle fund. All  
33 such fees collected by the director or branches of his office shall be  
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1 certified to the state treasurer and deposited to the credit of the  
2 highway safety fund.

3 (7) Any county revenues that exceed the cost of providing vehicle  
4 licensing and vessel registration and title activities in a county,  
5 calculated in accordance with the procedures in subsection (3)(d) of  
6 this section, shall be expended as determined by the county  
7 legislative authority during the process established by law for  
8 adoption of county budgets.

9 (8) The director may adopt rules to implement this section."  
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12 Renumber the sections consecutively and correct any internal  
13 references accordingly.  
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17 ADOPTED 3/18/2010

18 On page 1, line 21 of the title, after "43.03.250," strike "and  
19 43.03.265", and insert "43.03.265, 46.01.325, and 46.01.140"  
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21 On page 2, line 20 of the title, after "17.21.270," insert  
22 "46.01.320,"

EFFECT: Repeals the Title and Registration Advisory Committee.

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